RULES COMMITTEE: 4-30-11

ITEM: G.4



Memorandum

TO: Rules Committee

FROM:

Councilmember Rose Herrera

SUBJECT:

See Below

DATE:

April 24, 2014

APPROVE

130 KM

DATE

4/24/14

SUBJECT: Strengthening San Jose Police Capacity by Reviewing Current Jurisdiction of the County Sheriff's Office within San Jose

RECOMMENDATION:

- 1. Direct staff to review current jurisdiction of San Jose Police with the possibility of amending the current Memorandum of Agreement (MOU) between Santa Clara County Sheriff's Office and the City of San Jose to include VTA sites, including light rail response during nighttime hours and bus stop response throughout the city, as well as first response to County buildings, first response to unincorporated areas, supervision of arrestees upon admittance to County hospitals, and any other property the staff determines to fall under the full time jurisdiction of the County Sheriff's Office for purposes of policing.
- 2. Direct the City Auditor to audit the County's reliance on SJPD resources at VTA facilities and other county-owned property.

BACKGROUND:

VTA bus stops and transit routes are too often used for criminal activity such as prostitution, drug deals and vandalism. More than just affecting the VTA patrons, these crimes often flow into the surrounding residential neighborhoods and have negative impact on Downtown and neighborhood business districts. Though many of these sites are within San Jose's limits, they are owned by the county and operated by VTA and are the county's responsibility. The County Sheriff has a contract with the VTA to provide law enforcement services along these routes, however after 11 p.m., it is our police force that must respond, stabilize the situation, and investigate the event. Additionally, residents and businesses complain that daytime response from the sheriff can be lacking.

As we see crime originating from these transit stops and spreading out into the neighborhoods it has become increasingly obvious that the current system of enforcement is not working and is depleting SJPD's limited resources. We need to revisit the MOU with the County Sheriff's Office and clearly define that it is their job to police these areas and then hold them to this responsibility.

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Some have proposed to alleviate crime in our city by offering the sheriff's help to supplement our current police force. While I appreciate the county's offer, I believe that the first step the county should take is to secure its own property, especially the VTA sites. As it stands, county property is not effectively protected 24 hours a day, draining San Jose Police resources that should be going into protecting our neighborhoods and communities. Before the county moves forward to police our individual neighborhoods it should take full time responsibility for the policing of its VTA sites and all of its buildings 24 hours a day, not just during operational hours. We need to effectively define the sheriff's jurisdiction over these sites and hold them to policing of these areas full time so that SJPD no longer needs to divert time and resources to deal with crime on property it does not own and cannot maintain.

Conclusion

The system as it stands, both in structure and in practice, puts undue stress on our police force. Some have proposed to add another layer and expand the sheriff's responsibilities to non-county property in an effort to help our police force. This is not the appropriate solution. We must reconsider the responsibilities outlined in the former Memorandum of Understanding to better reflect the actual reality and our communities' needs. The county must first take responsibility for all VTA sites and its buildings within our city limits so our officers can protect our community first. Once an agreement has been reached we must hold all parties to the final decisions in practice as well as theory. Adding to the sheriff's jurisdiction outside of county-owned property would only confuse things. A better solution is to have the county take full responsibility for its buildings 24 hours a day in both agreement and practice so that SJPD can focus on our residents and our neighborhoods.